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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,075	02/16/2001	Michael Brandt Handler	202585US8	4898
22850	7590	04/22/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ZHONG, CHAD	
		ART UNIT		PAPER NUMBER
				2152

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/784,075	HANDLER ET AL.	
	Examiner Chad Zhong	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-38 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 12/09/2004. This action has been made final.

Claims 1-38 are presented for examination. In amendment A, filed on 12/09/2004

During the Interview 10/05/04, the Examiner agrees to withdraw finality based on a misunderstanding in interview on 8/4/04 to give the applicant a second opportunity to respond to the office action.

Claims 1, 15, 24, 25, 38 have been amended.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 6, 12, 11 of copending Application No. 09-784068 in view of Gilbert et al. (hereinafter Gilbert), US 2002-0069163, and Vasell et al. (hereinafter Vasell), US 6,496,575.

This is a provisional obviousness-type double patenting rejection.

Current: 09-784075	Co-pending: 09-784068
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<p>1. a system for <u>self-authenticating</u> a first end-user connected to a common network of a third party and a second end-user connected to the common network, the first end-user being a customer of a first service provider of multiple service providers and the second end-user being a customer of a second service provider of multiple service providers comprising:</p> <p>a digital repository populated with provider entries including information about the first service provider and other information about the second service provider</p> <p>end-user entries including information about the first end-user and other information about the second end-user, each of the end-user entries being associated with at least one service provider entry and</p> <p><u>service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry</u></p> <p>a processor and</p> <p>a computer readable medium encoded with processor readable instructions that when executed by the processor implement</p> <p><u>a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user</u></p> <p><u>a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism</u></p> <p><u>the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user</u></p> <p><u>a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the</u></p>	<p>1. a method for expanding customer bases for data services providers, comprising the steps of:</p> <p>connecting a first end-user of a first data services to a high-speed network operated by a third party and dedicated to broadband data transport services using a common provisioning system of the third party the high-speed network being at least one of a hybrid fiber optic co-axial network and an all-fiber network</p> <p>connecting a second end-user of a second data second data services provider to the high-speed network using the common provisioning</p> <p>connecting the first end-user to a headend of the first data services provider through a common data center of the high-speed network and</p> <p>connecting the second end-user to a headend of the second data services provider through a common data center of the high-speed network and</p> <p>generating a first bill for the first data services provider by the common data center based on the first end-user's usage of the high speed network</p> <p>generating a second bill for the second data services provider by the common data center based on the second end-user's usage of the high speed network</p> <p>wherein the third party, is not the first data services provider and not the second data services provider,</p> <p>the first data services provider and the second data services provider each being a customer of the third party</p>
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<p><u>end-user authentication mechanism</u></p> <p><u>a service allocation mechanism configured to provide the level of service purchased to the one of the first end-user and the second end-user authenticated by the end-user authentication mechanism</u></p> <p>a customer billing mechanism configured to establish and maintain billing information in the digital repository for the third party by establishing a relationship between the one of the first end user and the second end user and the respective one of the multiple service providers and to generate a bill for respective one of the multiple service providers based on usage of the common network by the one of the first end user and the second end user</p>	
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The self-authenticating aspect is taught by Gilbert [0055] in order to provide for security.

The service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry is taught by Gilbert, (see for example, [0051], [0073])

a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user
it would have been obvious to detect new devices as they connect to the common network

a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism
is taught in Vasell, (see for example, Col. 12, lines 55-63)

the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user is taught in Gilbert, see for example, [0055], in order to provide for proper authentication.

a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism
is taught in Gilbert [0067], in order to allow an end user to access an electronic version of the level of services purchased, i.e. a bill/statement

Current: 09-784075	Co-pending: 09-784068
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2. The system of claim 1, wherein the digital repository comprises a database.	6. The method of claim 1, further comprising the steps of: storing a first end-user entry in a database of the common data center corresponding to the first end-user; associating the first end-user entry with the first data services provider in the database; storing a second end-user entry in the database of the common data center corresponding to the second end-user; and associating the second end-user entry with the second data services provider in the database.
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Claim 2 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784068
3. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.	See claim 1 above

Claim 3 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784068
4. The system of claim 3, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.	12. A method for reusing computer resources to provide operations support services to a plurality of Internet service providers with different customer bases, comprising the steps of: populating a digital repository with entries including information about end-users of a first Internet service provider; populating the digital repository with entries including information about end-users of a second Internet service provider, the second Internet service provider being different from the first Internet service provider; presenting a graphical user interface to the first Internet service provider when

	seeking to at least one of access, create, and update the information about end-users of the first Internet service provider; and presenting the graphical user interface to the second Internet service provider when seeking to at least one of access, create, and update the information about end-users of the second Internet service provider.
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Claim 4 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784068
5. The system of claim 1, wherein the common network comprises an open access network.	12. A method for reusing computer resources to provide operations support services to a plurality of Internet service providers with different customer bases, comprising the steps of: populating a digital repository with entries including information about end-users of a first Internet service provider; populating the digital repository with entries including information about end-users of a second Internet service provider, the second Internet service provider being different from the first Internet service provider; presenting a graphical user interface to the first Internet service provider when seeking to at least one of access, create, and update the information about end-users of the first Internet service provider; and presenting the graphical user interface to the second Internet service provider when seeking to at least one of access, create, and update the information about end-users of the second Internet service provider.

Claim 5 is rejected under obvious type double patenting, wherein the open access network is Internet.

Current: 09-784075	Co-pending: 09-784068
6. The system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network.	12. A method for reusing computer resources to provide operations support services to a plurality of Internet service providers with different customer bases, comprising the steps of: populating a digital repository with entries including information about end-users of a first Internet service provider; populating the digital repository with entries including information about end-users of a second Internet service provider, the second Internet service provider being different from the first Internet service provider; presenting a graphical user interface to the first Internet service provider when seeking to at least one of access, create, and update the information about end-users of the first Internet service provider; and presenting the graphical user interface to the second Internet service provider when seeking to at least one of access, create, and update the information about end-users of the second Internet service provider.

Claim 6 is rejected under obvious type double patenting, wherein the open access network is Internet.

Current: 09-784075	Co-pending: 09-784068
7. The system of claim 1, wherein at least a portion of the common network comprises a hybrid fiber optic coaxial network.	See claim 1 above

Claim 7 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784068
8. The system of claim 1, wherein at least one of the multiple service providers comprises an Internet service provider.	See claim 12 above

Claim 8 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784068
9. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.	11. The method of claim 10, wherein at least one of the first data service provider and the second data service provider also provide cable television signals to communication lines connected to their respective headends.

Claim 9 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784068
10. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.	

It would have been obvious to have at least a portion of the network be running under European Data Over Cable Service Interface Specification network.

Current: 09-784075	Co-pending: 09-784068
11. The system of claim 1, <u>wherein the bandwidth allocation mechanism is further configured to direct an end-user to the end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism.</u>	

wherein the bandwidth allocation mechanism is further configured to direct an end-user to the end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism.

is taught by Vasell and Eastlake, in order to extend update to multiple names

Current: 09-784075	Co-pending: 09-784068
12. The system of claim 1, wherein the bandwidth allocation mechanism is further configured to use a <u>policy-based routing to direct an end-user to the end-user authentication mechanism.</u>	

It would have been obvious to use policy based routing to direct an end user to the end user authentication mechanism, in order to provide for quality of service and load sharing.

Current: 09-784075	Co-pending: 09-784068
13. The system of claim 1, wherein the bandwidth allocation mechanism is further configured to use at least one of a Layer Two Tunneling Protocol and policy-based routing to direct an end-user to the end-user authentication mechanism.	

It would have been obvious to use policy based routing to direct an end user to the end user authentication mechanism, in order to provide for quality of service and load sharing.

Current: 09-784075	Co-pending: 09-784068
14. The system of claim 1 wherein the bandwidth allocation mechanism is further configured to <u>set IP address filters at an end user device to block addresses</u>	

<u>address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism.</u>	
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It would have been obvious to set IP address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism, in order to allow a particular IP address to have access to the outside network.

As per claim 15-19, 21-22, Claims 15-19 and 21-22 are rejected for the same reasons as rejection to claims 1, 3-6, 8-9 above respectively.

As per claim 24-25, Claims 24-25 are rejected for the same reasons as rejection to claim 1 and 15 above.

As per claim 26-29, 31-32, 35-36, Claims 26-29, 31-32, 35-36 are rejected for the same reasons as rejection to claims 3-6, 8-9, 12-13 above respectively.

As per claim 38, Claim 38 is rejected for the same reasons as rejection to claim 1 above.

As per claim 37, Claim 37 is rejected for the same reasons as rejection to claim 14 above.

As per claim 34, Claim 34 is rejected for the same reasons as rejection to claim 11 above.

As per claim 20, 30, Claims 20, 30 are rejected for the same reasons as rejection to claim 7 above

As per claim 23, 33, Claims 23, 33 are rejected for the same reasons as rejection to claim 10 above

Claim 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 4, 5, 6, 9, 11, 12 of copending Application No. 09-784069 in view of Gilbert et al. (hereinafter Gilbert), US 2002-0069163, and Vasell et al. (hereinafter Vasell), US 6,496,575.

This is a provisional obviousness-type double patenting rejection.

Current: 09-784075	Co-pending: 09-784069
<p>1. a system for <u>self-authenticating</u> a first end-user connected to a common network of a third party and a second end-user connected to the common network, the first end-user being a customer of a first service provider of multiple service providers and the second end-user being a customer of a second service provider of multiple service providers comprising:</p> <p>a digital repository populated with provider entries including information about the first service provider and other information about the second service provider</p> <p>end-user entries including information about the first end-user and other information about the second end-user, each of the end-user entries being associated with at least one service provider entry and <u>service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry</u></p> <p>a processor and</p> <p>a computer readable medium encoded with processor readable instructions that when executed by the processor implement,</p> <p><u>a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of</u></p>	<p>1. a trouble ticketing system of a third party for supporting multiple service providers, each having end-users connected to a common network of the third party, comprising:</p> <p>a digital repository populated with service provider entries including information about a first service provider of the multiple service providers and other information about a second service provider of the multiple service providers</p> <p>end-user entries including information about end-users of the first service provider and other information about end-users of the second service provider, each of the end-user entries being associated with at least one of the service provider entries, and corresponding to usage of the common network;</p> <p>a processor</p> <p>a computer readable medium encoded with processor readable instructions that when executed by the processor implement,</p> <p>a common provisioning mechanism configured to provision end-users to the common network and to confirm that a selected service provider of the first service</p>

<p><u>the first end-user and the second end-user</u></p> <p><u>a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism</u></p> <p><u>the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user</u></p> <p><u>a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism</u></p> <p><u>a service allocation mechanism configured to provide the level of service purchased to the one of the first end-user and the second end-user authenticated by the end-user authentication mechanism</u></p> <p><u>a customer billing mechanism configured to establish and maintain billing information in the digital repository for the third party by establishing a relationship between the one of the first end user and the second end user and the respective one of the multiple service providers and to generate a bill for respective one of the multiple service providers based on usage of the common network by the one of the first end user and the second end user</u></p>	<p>provider and the second service provider is a customer of the third party prior to provisioning an end user of the selected service provider to the common network</p> <p>trouble ticket entries including trouble ticket information including trouble ticket status information, each of the trouble ticket entries being associated with at least one of an end-user entry and a service provider entry and corresponding to usage of the common network; although it does discloses a periodic troubleshooting aspect.</p> <p>a common trouble ticket interface mechanism configured to provide a single user interface for the first service provider and the second service provider to access entries in the digital repository, the first service provider having access to trouble ticket entries associated with the first service provider and end-user entries associated with the first service provider and the second service provider having access to trouble ticket entries associated with the second service provider and end-user entries associated with the second service provider, and a trouble ticket tracking mechanism configured to access and maintain trouble ticket entries in the digital repository.</p>
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The self-authenticating aspect is taught by Gilbert [0055] in order to provide for security.

The service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry is taught by Gilbert, (see for example, [0051], [0073])

a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user it would have been obvious to detect new devices as they connect to the common network

a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism is taught in Vasell, (see for example, Col. 12, lines 55-63)

the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user is taught in Gilbert, see for example, [0055], in order to provide for proper authentication.

a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism is taught in Gilbert [0067], in order to allow an end user to access an electronic version of the level of services purchased, i.e. a bill/statement

a customer billing mechanism configured to establish and maintain billing information in the digital repository for the third party by establishing a relationship between the one of the first end user and the second end user and the respective one of the multiple service providers and to generate a bill for respective one of the multiple service providers based on usage of the common network by the one of the first end user and the second end user

is taught by Gilbert (Fig 6), in order to generate billing information on behalf of service providers

Current: 09-784075	Co-pending: 09-784069
2. The system of claim 1, wherein the digital repository comprises a database.	4. The system of claim 1, wherein the digital repository comprises a database.

Claim 2 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784069
3. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.	5. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.

Claim 3 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784069
4. The system of claim 3, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.	6. The system of claim 5, wherein the data transport services comprise at least one of Internet access, voice over IP, and video

	on demand.
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Claim 4 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784069
5. The system of claim 1, wherein the common network comprises an open access network.	6. The system of claim 5, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.

Claim 5 is rejected under obvious type double patenting, wherein the open access network is Internet.

Current: 09-784075	Co-pending: 09-784069
6. The system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network.	6. The system of claim 5, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.

Claim 6 is rejected under obvious type double patenting, wherein the open access network is Internet.

Current: 09-784075	Co-pending: 09-784069
7. The system of claim 1, wherein at least a portion of the common network comprises a hybrid fiber optic coaxial network.	20. The method of claim 13, wherein at least a portion of the common network comprises a hybrid fiber optic coaxial network.

Claim 7 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784069
8. The system of claim 1, wherein at least one of the multiple service providers comprises an Internet service provider.	10. The system of claim 1, wherein the at least one of the multiple service providers comprises an Internet service provider.

Claim 8 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784069
9. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.	11. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.

Claim 9 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784069
10. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.	12. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.

It would have been obvious to have at least a portion of the network be running under European Data Over Cable Service Interface Specification network.

Current: 09-784075	Co-pending: 09-784069
11. The system of claim 1, <u>wherein the bandwidth allocation mechanism is further configured to direct an end-user to the end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism.</u>	

wherein the bandwidth allocation mechanism is further configured to direct an end-user to the end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism.

is taught by Vasell and Eastlake, in order to extend update to multiple names

Current: 09-784075	Co-pending: 09-784069
12. The system of claim 1, wherein the bandwidth allocation mechanism is further configured to use a <u>policy-based routing to direct an end-user to the end-user authentication mechanism.</u>	

It would have been obvious to use policy based routing to direct an end user to the end user authentication mechanism, in order to provide for quality of service and load sharing.

Current: 09-784075	Co-pending: 09-784069
13. The system of claim 1, wherein the bandwidth allocation mechanism is further configured to use at least one of a Layer Two Tunneling Protocol and policy-based routing to direct an end-user to the end-user authentication mechanism.	

It would have been obvious to use policy based routing to direct an end user to the end user authentication mechanism, in order to provide for quality of service and load sharing.

Current: 09-784075	Co-pending: 09-784069
14. The system of claim 1 wherein the bandwidth allocation mechanism is further configured to <u>set IP address filters at an end user device to block address</u>	

<u>address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism.</u>	
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It would have been obvious to set IP address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism, in order to allow a particular IP address to have access to the outside network.

As per claim 15-19, 21-22, Claims 15-19 and 21-22 are rejected for the same reasons as rejection to claims 1, 3-6, 8-9 above respectively.

As per claim 24-25, Claims 24-25 are rejected for the same reasons as rejection to claim 1 and 15 above.

As per claim 26-29, 31-32, 35-36, Claims 26-29, 31-32, 35-36 are rejected for the same reasons as rejection to claims 3-6, 8-9, 12-13 above respectively.

As per claim 38, Claim 38 is rejected for the same reasons as rejection to claim 1 above.

As per claim 37, Claim 37 is rejected for the same reasons as rejection to claim 14 above.

As per claim 34, Claim 34 is rejected for the same reasons as rejection to claim 11 above.

As per claim 20, 30, Claims 20, 30 are rejected for the same reasons as rejection to claim 7 above

As per claim 23, 33, Claims 23, 33 are rejected for the same reasons as rejection to claim 10 above

Claim 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 10, 15, 16, 19, 20, 45, 46, of copending Application No. 09-784074 in view of Gilbert et al. (hereinafter Gilbert), US 2002-0069163, and Vasell et al. (hereinafter Vasell), US 6,496,575.

This is a provisional obviousness-type double patenting rejection.

Current: 09-784075	Co-pending: 09-784074
<p>1. a system for <u>self-authenticating</u> a first end-user connected to a common network of a third party and a second end-user connected to the common network, the first end-user being a customer of a first service provider of multiple service providers and the second end-user being a customer of a second service provider of multiple service providers comprising:</p> <p>a digital repository populated with provider entries including information about the first service provider and other information about the second service provider</p> <p>end-user entries including information about the first end-user and other information about the second end-user, each of the end-user entries being associated with at least one service provider entry and</p> <p><u>service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry</u></p> <p>a processor and</p> <p>a computer readable medium encoded with processor readable instructions that when executed by the processor implement</p> <p><u>a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user</u></p>	<p>1. a network operations support system for supporting multiple service providers, each having end-users connected to a common network operated by the third party, the multiple service providers each being a customer of the third party, comprising:</p> <p>a digital repository populated with entries including information about end-users of a first service provider of the multiple service providers and other information about end-users of a second service provider of the multiple service providers;</p> <p>a processor; and</p> <p>a computer readable medium encoded with processor readable instructions that when executed by the processor implement,</p> <p>a common interface mechanism configured to provide a single user interface for the first service provider and the second service provider to access entries in the digital repository, the first service provider having access to entries regarding the end-users of the first service provider and the second service provider having access to entries regarding the end-users of the second service provider.</p> <p>a common provisioning mechanism configured to provision end users to the</p>

<p><u>a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism</u></p> <p><u>the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user</u></p> <p><u>a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism</u></p> <p><u>a service allocation mechanism configured to provide the level of service purchased to the one of the first end-user and the second end-user authenticated by the end-user authentication mechanism</u></p> <p>a customer billing mechanism configured to establish and maintain billing information in the digital repository for the third party by establishing a relationship between the one of the first end user and the second end user and the respective one of the multiple service providers and to generate a bill for respective one of the multiple service providers based on usage of the common network by the one of the first end user and the second end user</p>	<p>common network and to confirm that a selected service provider of the first service provider and the second service provider is a customer of the third party prior to provisioning an end user of the selected service provider to the common network, and entries including billing information corresponding to usage of the common network by end users of at least one of the multiple service providers</p> <p>a customer billing mechanism configured to maintain billing information in the digital repository for the third party and to generate a bill for each of the multiple service providers having at least one end user connected to the third party's common network based on usage of the common network by the service provider's respective end-users</p>
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The self-authenticating aspect is taught by Gilbert [0055] in order to provide for security.

The service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry is taught by Gilbert, (see for example, [0051], [0073])

a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user it would have been obvious to detect new devices as they connect to the common network

a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism is taught in Vasell, (see for example, Col. 12, lines 55-63)

the end-user authentication mechanism configured to obtain identification information from the one

of the first end-user and the second end-user is taught in Gilbert, see for example, [0055], in order to provide for proper authentication.

a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism is taught in Gilbert [0067], in order to allow an end user to access an electronic version of the level of services purchased, i.e. a bill/statement

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2. The system of claim 1, wherein the digital repository comprises a database.	10. The system of claim 1, wherein the digital repository comprises a database.

Claim 2 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784074
3. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.	15. The system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services.

Claim 3 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784074
4. The system of claim 3, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand.	16. The system of claim 15, wherein the broadband data transport services comprise at least one of Internet access, packetized voice, voice over IP, and video on demand.

Claim 4 is rejected under obvious type double patenting

Current: 09-784075	Co-pending: 09-784074
5. The system of claim 1, wherein the common network comprises an open access network.	16. The system of claim 15, wherein the broadband data transport services comprise at least one of Internet access, packetized voice, voice over IP, and video on demand.

Claim 5 is rejected under obvious type double patenting, wherein the open access network is Internet.

Current: 09-784075	Co-pending: 09-784074
6. The system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network.	16. The system of claim 15, wherein the broadband data transport services comprise at least one of Internet access, packetized voice, voice over IP, and video on demand.

Claim 6 is rejected under obvious type double patenting, wherein the open access network is Internet.

Current: 09-784075	Co-pending: 09-784074
7. The system of claim 1, wherein at least a portion of the common network comprises a hybrid fiber optic coaxial network.	19. The system of claim 1, wherein at least a portion of the common network comprises a hybrid fiber optic coaxial network.

Claim 7 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784074
8. The system of claim 1, wherein at least one of the multiple service providers comprises an Internet service provider.	20. The system of claim 1, wherein the at least one of the multiple service providers comprises an Internet service provider

Claim 8 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784069
9. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.	45. The system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network.

Claim 9 is rejected under obvious type double patenting.

Current: 09-784075	Co-pending: 09-784069
10. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification network.	46. The system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification.

It would have been obvious to have at least a portion of the network be running under European Data Over Cable Service Interface Specification network.

Current: 09-784075	Co-pending: 09-784069
11. The system of claim 1, <u>wherein the bandwidth allocation mechanism is further configured to direct an end-user to the end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism.</u>	

wherein the bandwidth allocation mechanism is further configured to direct an end-user to the end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism.

is taught by Vasell and Eastlake, in order to extend update to multiple names

Current: 09-784075	Co-pending: 09-784069
12. The system of claim 1, wherein the bandwidth allocation mechanism is further configured to use a <u>policy-based routing to direct an end-user to the end-user authentication mechanism.</u>	

It would have been obvious to use policy based routing to direct an end user to the end user authentication mechanism, in order to provide for quality of service and load sharing.

Current: 09-784075	Co-pending: 09-784069
13. The system of claim 1, wherein the bandwidth allocation mechanism is further configured to use at least one of a Layer Two Tunneling Protocol and policy-based routing to direct an end-user to the end-user authentication mechanism.	

It would have been obvious to use policy based routing to direct an end user to the end user authentication mechanism, in order to provide for quality of service and load sharing.

Current: 09-784075	Co-pending: 09-784069
14. The system of claim 1 wherein the bandwidth allocation mechanism is further configured to <u>set IP address filters at an end user device to block addresses</u>	

<u>address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism.</u>	
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It would have been obvious to set IP address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism, in order to allow a particular IP address to have access to the outside network.

As per claim 15-19, 21-22, Claims 15-19 and 21-22 are rejected for the same reasons as rejection to claims 1, 3-6, 8-9 above respectively.

As per claim 24-25, Claims 24-25 are rejected for the same reasons as rejection to claim 1 and 15 above.

As per claim 26-29, 31-32, 35-36, Claims 26-29, 31-32, 35-36 are rejected for the same reasons as rejection to claims 3-6, 8-9, 12-13 above respectively.

As per claim 38, Claim 38 is rejected for the same reasons as rejection to claim 1 above.

As per claim 37, Claim 37 is rejected for the same reasons as rejection to claim 14 above.

As per claim 34, Claim 34 is rejected for the same reasons as rejection to claim 11 above.

As per claim 20, 30, Claims 20, 30 are rejected for the same reasons as rejection to claim 7 above

As per claim 23, 33, Claims 23, 33 are rejected for the same reasons as rejection to claim 10 above

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer program per se, the claimed invention is not stating that the ‘computer storage medium’ is a disk, for example. Note, the specification discloses ‘carrier wave’ or signal transmission as storage medium.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-9, 15-19, 21-22, 24-29, 21-32, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, US 2002/0069163, in view of “Are you Ready for E-Management?”, Business Communications Review pp 20-21, Herman, in further in view of Vasell et al. (hereinafter Vasell), US 6,496,575.

4. As per claim 1, Gilbert teaches a system for self-authenticating ([0055]) a first end-user connected to a common network of a third party (Fig 6, item 300; [0011]) and a second end-user connected to the common network, the first end-user being a customer of a first service provider of multiple service providers (fig 1, item 101; fig 6, item 102, wherein the system supports multiple service providers and multiple end users) and the second end-user being a customer of a second service provider of multiple service providers (fig 1, item 101; fig 6, item 102), comprising:
a digital repository populated with service provider entries including information about the first service provider and other information about the second service provider ([0065]),

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end-user entries including information about the first end-user and other information about the second end-user, each of the end-user entries being associated with at least one service provider entry ([0065], wherein user entries are customer information), and

a processor ([0056]); and

a computer readable medium encoded with processor readable instructions that when executed by the processor implement ([0056]),

the end-user authentication mechanism configured to obtain identification information from the one of the first end-user and the second end-user ([0055]),

a customer billing mechanism configured to establish and maintain billing information in the digital repository for the third party by establishing a relationship between the one of the first end user and the second end user and the respective one of the multiple service providers and to generate a bill for respective one of the multiple service providers based on usage of the common network by the one of the first end user and the second end user ([0011]; [0014-0015]).

service description entries including information about a level of service purchased by an end-user from a service provider, each of the service description entries being associated with an end-user entry ([0051], [0073]).

a service determination mechanism configured to query the digital repository to determine the level of service purchased by the one of the first end-user and the second end-user from a respective one of the multiple service providers based on information obtained by the end-user authentication mechanism (see for example, [0067], wherein the billing statement can be accessed by clients via electronic mail format through a hyperlink to the designated location of the statement, in a preferred embodiment, the statement is located on a website associated with the billing and payment services system 300).

However, Gilbert does not explicitly teach:

a new device detection mechanism configured to detect a new device connected to the common

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network, the new device being associated with one of the first end-user and the second end-user

Herman teaches:

a new device detection mechanism configured to detect a new device connected to the common network, the new device being associated with one of the first end-user and the second end-user (pg 4, lines 10-20), in order to dynamically track of changes in the system (see for example, pg 4, lines 10-20). It would have been obvious to combine teachings of Gilbert and Herman in order to dynamically track of changes in the system.

However, Gilbert does not explicitly teach:

a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to the new device and to provide access to an end-user authentication mechanism

Vasell teaches:

a bandwidth allocation mechanism configured to allocate limited bandwidth on the common network to a new device (Col. 12, lines 55-63) and to provide access to an end-user authentication mechanism (Col. 12, lines 37-45), in order to dynamically adjust the bandwidth of the network to achieve flow control (Col. 12, lines 55-63)

It would have been obvious to combine teachings of Gilbert and Vasell in order to dynamically adjust the bandwidth of the network to achieve flow control.

However, Gilbert does not explicitly teach:

a service allocation mechanism configured to provide the level of service purchased to the one of the first end-user and the second end-user authenticated by the end-user authentication mechanism

Vasell teaches:

a service allocation mechanism configured to provide the level of service purchased to the one of the

first end-user and the second end-user authenticated by a end-user authentication mechanism (Col. 19, lines 43-62; Col. 8, lines 35-45, wherein the access card provides for a form of authentication into the services), in order to have a service level agreement of desired software between user and the provider in advance (Col. 8, lines 35-45).

It would have been obvious to combine teachings of Gilbert and Vasell in order to have a service level agreement of desired software between user and the provider in advance

5. As per claim 2, Gilbert teaches the system of claim 1, wherein the digital repository comprises a database ([0065]);

6. As per claim 3, Gilbert teaches the system of claim 1, wherein the common network comprises a network dedicated to broadband data transport services ([0046], [0053], [0058]).

7. As per claim 4, Gilbert teaches the system of claim 3, wherein the data transport services comprise at least one of Internet access, voice over IP, and video on demand ([0073]).

8. As per claim 5, Gilbert teaches the system of claim 1, wherein the common network comprises an open access network ([0073]).

9. As per claim 6, Gilbert teaches the system of claim 1, wherein at least a portion of the common network comprises an Internet protocol network ([0073]).

10. As per claim 8, Gilbert teaches the system of claim 1, wherein at least one of the multiple service providers comprises an Internet service provider ([0073]).

12. As per claim 9, Gilbert teaches the system of claim 1, wherein at least a portion of the common network comprises a Data Over Cable Service Interface Specification network ([0073]).

13. As per claim 15-19, 21-22, Claims 15-19 and 21-22 are rejected for the same reasons as rejection to claims 1, 3-6, 8-9 above respectively.

14. As per claim 24-25, Claims 24-25 are rejected for the same reasons as rejection to claim 1 and 15 above.

15. As per claim 26-29, 31-32, Claims 26-29, 31-32, are rejected for the same reasons as rejection to claims 3-6, 8-9, above respectively.

16. As per claim 38, Claim 38 is rejected for the same reasons as rejection to claim 1 above.

17. Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, US 2002/0069163, in view of “Are you Ready for E-Management?”, Business Communications Review pp 20-21, Herman, in view of Vasell et al. (hereinafter Vasell), US 6,496,575, further in view of “Policy Based Routing – The Need to Define Routing Policy”, Cisco, 2000.

18. As per claim 12, Gilbert does not explicitly teach:

the system of claim 1, wherein the bandwidth allocation mechanism is further configured to use a policy-based routing to direct an end-user to the end-user authentication mechanism

Cisco teaches:

the system of claim 1, wherein the bandwidth allocation mechanism is further configured to use a policy-based routing to direct an end-user to the end-user authentication mechanism (pg 7, lines 15-20), in order to provide for Quality of Service and Load Sharing (pg 1, 2).

It would have been obvious to combine teachings of Gilbert and Cisco in order to provide for Quality of Service and Load Sharing.

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19. As per claim 13, Gilbert does not explicitly teach the system of claim 1, wherein the bandwidth allocation mechanism is further configured to use at least one of a Layer Two Tunneling Protocol and policy-based routing to direct an end-user to the end-user authentication mechanism.

Cisco teaches:

the system of claim 1, wherein the bandwidth allocation mechanism is further configured to use at least one of a Layer Two Tunneling Protocol and policy-based routing to direct an end-user to the end-user authentication mechanism (pg 7, lines 15-20), in order to provide for Quality of Service and Load Sharing (pg 1, 2).

It would have been obvious to combine teachings of Gilbert and Cisco in order to provide for Quality of Service and Load Sharing.

20. As per claim 35-36, claims 35-36 are rejected for the same reasons as rejection to claims 12-13 above respectively.

21. Claims 11, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, US 2002/0069163, in view of Vasell, US 6,496,575, in view of “secure domain name system (DNS), Dynamic Update”, Eastlake, RFC2137, 1999.

22. As per claim 11, Gilbert does not explicitly teach bandwidth allocation mechanism, Vasell teaches bandwidth allocation mechanism (Col. 12, lines 55-63).

However, Vasell does not explicitly teach an end-user authentication mechanism using a wildcard Domain Name System technique to resolve an end-user Domain Name System address resolution request to an IP address of the end-user authentication mechanism.

Eastlake teaches an end-user authentication mechanism using a wildcard Domain Name System

technique (pg 8, lines 20-25) to resolve an end-user Domain Name System address resolution request (pg 5, lines 1-7) to an IP address of the end-user authentication mechanism (wherein the DNS system inherently resolves domain and IP addresses), in order to extent scope of an update to multiple number of names (pg 9, lines 28-32)

It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Vasell and Eastlake in order to extend the scope of an update to multiple number of domain names.

23. As per claim 34, claim 34 is rejected for the same reasons as rejection to claim 11 above.

24. Claims 14, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, US 2002/0069163, in view of Vasell, US 6,496,575, in view of “Features/Performance/Security Issues”, Cyber, 1998.

25. As per claim 14, Vasell teaches bandwidth allocation mechanism (Col. 12, lines 55-63).

However, Vasell does not explicitly teach set IP address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism.

Cyber teaches set IP address filters at an end-user device to block addresses other than an IP address of the end-user authentication mechanism (pg 1, lines 10-15) in order to allow particular address to access the outside world (pg 1, line 10; pg 2, lines 9-16).

It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Vasell and Eastlake in order to allow certain address to access the outside world while blocking out the others for security reasons.

26. As per claim 37, claim 37 is rejected for the same reasons as rejection to claim 14 above.

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27. Claims 7, 20, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, US 2002/0069163, in view of Sistanizadeh et al. (hereinafter Sistanizadeh), US 6,101,182.

28. As per claim 7, Gilbert does not teach hybrid fiber optic and coaxial network.

Sistanizadeh teaches a hybrid fiber optic and coaxial network (Col. 3, lines 15-40), for improvement of speed.

It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Vasell and Sistanizadeh in order to improve speed and provide a greater range of transportation.

29. As per claims 20 and 30, claims 20 and 30 are rejected for the same reasons as rejection to claim 7 above.

30. Claims 10, 23, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, US 2002/0069163, in view of 'Official Notice'.

31. As per claim 10, Vasell does not teach the system of claim 1, wherein at least a portion of the common network comprises a European Data Over Cable Service Interface Specification. "Official Notice" is taken that the concept and advantages of providing for a European Data Over Cable Service Interface Specification network transportation purposes in another country is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include European Data Over Cable Service Interface Specification network because it would provide for other modes of operation in other countries/territories.

32. As per claims 23 and 33, claims 23 and 33 are rejected for the same reasons as rejection to claim 10 above.

Conclusion

33. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

34. "hybrid fiber co-axial network for transportation purposes," "providing a European Data Over Cable Service Interface Specification network sic, for transportation purposes" are all intended use thus they will not give any patentable weight.

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "System method and computer program product for supporting multiple service providers with a trouble ticket capability".

- i. US 6101182 Sistanizadeh et al.
- ii. US 6636502 Lager et al.

- iii. US 6662233 Skarpness et al.
- iv. US 6496575 Vasell et al.
- v. US 6430175 Jennings et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
February 27, 2005



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